

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 6:98-15
)	
v.)	ORDER OF CONTINUANCE
)	
RUDY AUGUSTINE CRESOSTOMO)	

This matter is before the Court on motion by the defendants, with consent of the government, to continue this case beyond the **June, 2005**, term of court.

Defense counsel requests additional time to consult with the Defendant, review discovery materials, prepare for trial and/or engage in plea negotiations with the government especially with regard to possible Rule 20 transfer of a pending charge in the district of New Jersey.


Ordinarily, a defendant must be tried within seventy days of the unsealing of an indictment or initial appearance, whichever occurs later. There are, of course, a number of statutorily recognized exceptions to this rule which are found in 18 U.S.C. 3161 et seq. In addition, there are more general reasons for continuing a case which require a weighing and balancing of the public's interest in a speedy trial with the defendant's interest and the Government's interests. U.S. v. Keith, 42 F.3d. 234 (4th Cir. 1994).

The parties move this Court pursuant to 18 U.S.C. Section 3161(h)(8)(B)(iv) which provides that the period within which a defendant must be tried can be tolled if it would be unreasonable to expect counsel to be adequately prepared taking all relevant factors into

consideration. This Court finds, based upon the representations of the Government and defense counsel, that it is unreasonable to expect this matter to be tried during the **June** term of Court. Defense counsel needs additional time to consult with the Defendant and prepare for trial.

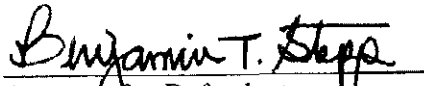
For the reasons set forth above, this matter is continued until the next term of court and the time is excluded under 18 U.S.C. 3161(h)(8)(B)(iv). This court also finds that the public's interest in a speedy trial will not be affected by a continuance to allow defense counsel to review discovery materials, confer with the defendant and prepare for trial.

IT IS ORDERED THIS MATTER BE CONTINUED UNTIL THE NEXT TERM OF COURT.

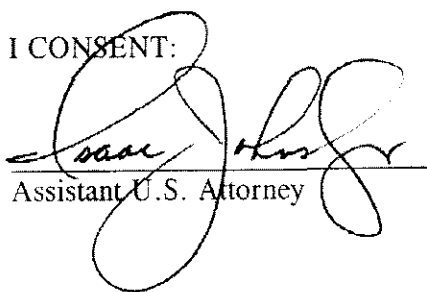

 WILLIAM M. CAYOE, JR
 UNITED STATES MAGISTRATE JUDGE

I SO MOVE:


 Defendant


 Attorney for Defendant

I CONSENT:


 Assistant U.S. Attorney

5-13-05
 Date

GREENVILLE, SC

¹⁴
 May 19, 2005